

Application No. 10/718,884
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Independent claims 1, 3 and 4 have been amended to clarify the feature of the present invention whereby the wavelength-selective means includes a plurality of wavelength-selective members which are provided on respective optical paths of the beams of irradiation light split by the beam splitting means. See Fig. 4.

In addition, independent claims 1, 3, 4, 33 and 34 have been amended to recite the feature of the present invention whereby light-amount adjusting means includes a plurality of light-amount adjusting members which are provided on the respective optical paths of the beams of irradiation light split by the beam splitting means, and is provided for adjusting intensities of the plurality of beams of irradiation light, based on the subject matter of original claims 11 and 12 and, for example, Fig. 4.

Still further, independent claims 2, 5 and 6 have been amended along the lines of claims 1, 3, 4, 33 and 34 to recite the feature of the present invention whereby first and second light-amount adjusting members are provided for adjusting intensities of the first and second irradiation light,

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respectively, based on the subject matter of original claims 13 and 14 and, for example, Fig. 4.

Claims 11-14, moreover, have been amended to clarify the feature of the present invention whereby at least one of the light-amount adjusting members is movable in and out of the optical path on which it is provided, as supported by the disclosure in the specification at, for example, page 13, lines 10-13.

In addition, claims 29 and 30 have been amended to better accord with their amended parent claims 3 and 4.

And claims 11-17, 19-22 and 25-32 have been amended to reflect the cancellation of claims 7-10.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

RE: THE CITED REFERENCES

It is respectfully submitted that none of USP 6,898,498 ("Zeng"), JP 10-0980608 ("Hirano") and US 2001/0009473 ("Ogino") disclose, teach or suggest a plurality of light-amount adjusting members (or a first light-amount adjusting member and a second light-amount adjusting member) that are provided on respective optical paths of the beams of irradiation light split by a beam splitter, so that intensities of individual illumination light

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beams are freely adjustable, in the manner of the claimed present invention as recited in independent claims 1-6, 33 and 34.

With this structure, a user is able to control the intensity balance of exciting light among a plurality of wavelengths with which a sample is irradiated. In addition, it is possible to adjust the total intensity of the illumination light while maintaining an appropriate wavelength balance, to minimize sample damage by light.

And it is respectfully submitted that none of the cited references disclose or suggest that the light beam on each of the split paths for illumination is adjustable by a respective a light-amount adjusting member in the manner of the claimed present invention.

Accordingly, it is respectfully submitted that amended independent claims 1-6, 33 and 34, as well as claims 11-17 and 19-32 respectively depending therefrom, all clearly patentably distinguish over the cited references, taken singly or in any combination, under 35 USC 102 as well as under 35 USC 103.

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In view of the foregoing, entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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